

THE PROCEEDINGS

of

THE SOUTH CAROLINA HISTORICAL ASSOCIATION

1941

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JAMES W. PATTON

Editor

COLUMBIA
THE SOUTH CAROLINA
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THE ELEVENTH ANNUAL MEETING

The eleventh annual meeting of the South Carolina Historical Association was held at the Columbia Hotel in Columbia, April 19, 1941. In the absence of both the president and vice-president, Mr. O. C. Skipper, member of the Executive Committee, presided. Mrs. Richard Williams, President, telegraphed her regrets over her enforced absence and her best wishes for a successful meeting.

Two papers were given at the morning session, which opened at eleven-thirty o'clock. The first, "Jefferson Davis's Route from Richmond, Virginia, to Irwinville, Georgia," was read by Miss Nora Marshall Davis. Mr. Carl L. Epting led the discussion. The second paper, "Some Municipal Fiestas and Celebrations in Colonial Hispanic America," was presented by Mr. J. P. Moore, with Mr. Samuel Wilcox as the leader of the discussion.

At the afternoon session Miss Nancy McIntosh read a paper entitled, "Postal Savings Banks in the United States." Miss Belle Glover Thornwell gave a discussion of this paper.

The business session followed immediately. Mr. S. J. Derrick and Mr. J. M. Lesesne memorialized two members of the Association who have died during the year—Milledge Louis Bonham, Jr., and L. C. Galloway. In the absence of Mr. Derrick, Mr. C. M. Smith read the memorial to Professor Bonham. The Secretary read a letter from the Southern Historical Association expressing appreciation to the Association for its coöperation with the latter in its annual meeting held in Charleston last November. The Treasurer's report was read and accepted. The following officers were chosen for the coming year: President, Mr. J. M. Lesesne; Vice-President, Mr. R. G. Stone; Secretary-Treasurer, Miss Nancy McIntosh; Executive Committee Member, Mr. Charles N. Sisson. Mr. J. H. Easterby informed the members of the plan of the South Carolina Historical Society to offer a file of its publications for sale at a reduction to the various libraries of the state. The question of the place of meeting for next year was left to the Executive Committee.

At the dinner session Mr. George R. Sherrill presented a paper entitled, "Legislative Domination in South Carolina." A resolution was adopted to express regrets to Mrs. Richard Williams concerning her absence and hopes for a speedy recovery. The meeting adjourned.

R. B.

SOME MUNICIPAL FIESTAS AND CELEBRATIONS IN COLONIAL
HISPANIC AMERICA

JOHN PRESTON MOORE

The Citadel

Fiestas, sponsored by the civic authorities, constituted a noteworthy element in the social life of the inhabitants of the Spanish-American municipalities.¹ This fact has a larger significance when it is recalled that the town as an institution occupied relatively a more conspicuous place in the evolution of the Spanish colonies than in the development of the English colonies in North America.²

The prevalence of fiestas in colonial times is attested by a modern authority, who declares that at least one-third of the year in Santiago was allotted to civic and religious feasts. So numerous were they in Lima that the Provincial Council of that city had to limit them to twenty-five, not counting Sundays and "other days approved by custom."³

The source of many of these celebrations can be traced directly to Spain, whence they were transplanted to the New World during the era of colonization. Whether or not there were many fiestas invented by the colonists or adapted from Indian tribal habits can not be completely proved, but it is not unlikely that in the transference of the purely Spanish fiestas to America new features and customs were originated as a result of the contact of the settler with a changed environment and with native practices. The sports and diversions accompanying the festivals were in large part of European origin. It would seem that few changes were made in the calendar of religious feasts or in the ritualism or symbolism with which they were attended.

¹ For the purposes of this paper the term "fiesta" has an all-inclusive meaning, signifying secular and religious feasts, festivities, and holidays.

The Spanish terms, *cabildo*, *regimiento*, *ayuntamiento*, all refer to the colonial municipal corporation or council, composed of the *corregidor* or governor, the *alcaldes ordinarios* or mayor-justices, and the *regidores* or aldermen.

Illustrative material has been taken from the published records of the town councils of three South American cities, Buenos Aires, Santiago (Chile), and Quito (Ecuador). The accounts of the first two are indeed full for the Hapsburg period, while for Quito the municipal archives have been brought up to about 1600. The earliest record for the town council of Santiago is 1541, and for Quito 1534. As no records have been published or perhaps do not exist for the initial founding of Buenos Aires, the records for that city do not begin until the 1580's.

² The growth of the Spanish colonial town preceded the development of the countryside, while the reverse was true in the English colonies. Bernard Moses, *Spanish Dependencies in South America* (New York and London, 1914), II, 370.

³ Diego Barros Arana, *Historia Jeneral de Chile* (Santiago, Chile, 1884-1902), I, 300-302.

The fiesta most prominent in the life of the Spanish colonial townsman was that associated with the raising of the royal standard. This annual ceremony symbolizing the loyalty of the municipality to the Spanish monarch was regarded by crown officials and by the council as the most significant of the year.⁴ An Argentine writer asserts that "of such importance was this ceremony in colonial Buenos Aires that only royal proclamations surpassed it among the public acts and festivals."⁵

The formal act of swearing fealty customarily took place on the day devoted to the patron saint and protector of the city. Thus the celebrations occurred in Quito, Buenos Aires, and Santiago on the respective birthdays of St. Francis, St. Martin, and St. James. The records do not indicate in what year it became customary to hold these celebrations, although it is more than likely that the practice was inaugurated early in the life of the municipality. In the course of time strict rules of procedure and etiquette grew up governing it.

On the afternoon of the day appointed for the ceremony the members of the council, officials of the royal treasury, the standard bearer, and many of the citizens gathered in front of the townhall, where the king's banner was usually kept. The central figure in the drama that was about to begin was the *alférez real* or standard bearer, whose office was an object of rivalry among the local aristocracy.⁶ The *alcaldes*, of whom there were ordinarily two, or a committee composed of an *alcalde* and a councillor tendered the banner to the standard bearer, while enjoining him to be loyal in all things to the king.⁷ After promising to obey the royal commands to the best of his ability, the standard bearer mounted his horse, and, accompanied by members of the council and certain royal and ecclesiastical officers, made his way to the cathedral. Here a solemn religious service was held,

⁴ Sometimes the king by a special decree granted to a municipality the right of displaying the royal banner. Thus the city of Quito obtained this privilege in an edict of February 14, 1556: "To this purpose for the present I give permission and right to the said *concejo*, *justicia*, and *regidores* of the said city of San Francisco de Quito, that from henceforth, while you remain obedient to our will, you may keep possession of the royal banner; which standard may be displayed on one of the festival days of the year that you may select, on condition that the person displaying it be of those who have been loyal to our service." *Colección de Cédulas Reales Dirigidas a la Audiencia de Quito, 1538-1600* (Quito, 1935), folio 453.

⁵ Abel Cháneton, "De Buenos Aires Colonial-La Festividad de Su Patrono," *Boletín del Instituto de Investigaciones Históricas* (Buenos Aires, 1935), p. 114.

⁶ Prior to the creation of this office in Buenos Aires, the senior alderman apparently had the honor of raising the banner. *Ibid.*, p. 115.

⁷ In Santiago the standard bearer was charged by the mayor-justices with these words: "This banner we deliver to your Honor, the standard bearer of the city of Santiago del Nuevo Extremo, in the name of God and His Majesty, Our King and natural master, and of this city and its council, in order that you may through it serve your Majesty upon every occasion that is offered." *Actas del Cabildo de Santiago*, in *Colección de Historiadores de Chile* (Santiago, Chile, 1861-1935), I, minutes of July 23, 1556.

the central theme being the sacred duty of allegiance owed by all to the person of the monarch. At the conclusion of the religious phase of the ceremony the actors and their attendants proceeded to the house of the standard bearer, where the royal pennant was customarily deposited for a limited time. When this act had been performed the group returned to the townhall, the starting point of the procession. Thereupon the crowd dispersed. The banner was permitted to remain for some time in the possession of the standard bearer before being handed over to the custody of the council.⁸ Departures from the procedure thus instituted resulted in acrimonious disputes in the council.⁹

The manifestation of municipal allegiance to the sovereign was the occasion for much festivity among the citizens of the town and the surrounding countryside. Bullfights and mock tournaments, or *juegos de cañas*, were invariably presented by the council for the diversion of the populace during the general period of celebration. The adoption of these Spanish or Moorish sports took place in the early days of colonization in the New World. Because of its appeal to the virile Spanish soldier-adventurer bullfighting made its appearance in Peru as early as 1539 or 1540 under the sponsorship of Francisco Pizarro. The arena for this spectacle was the main square of the city, which by command of the council was fenced off with a wooden barricade. Citizens of the town were required by ordinance to furnish the labor and materials for its construction, and failure to do this was punishable by fine.¹⁰

The Argentine historian Levene gives the following description of this scene in colonial days:

⁸ *Libro Segundo de Cabildos de Quito* (Quito, 1934), I, minutes of January 30, 1545. See also *Actas del Cabildo de Santiago*, minutes of July 23, 1556, *loc. cit.*, Vol. I.

⁹ An altercation occurred in 1573 between the council and the royal court of justice over the seating of the standard bearer in the cathedral. The council authorized the municipal procurator to petition the king that they be allowed to retain "the usages, customs, and privileges and that which is most conducive to the service of God our Lord and His Majesty." The quarrel ended with favorable results for the municipality, the *alférez* being assigned to his former position. *Libro del Ilustre Cabildo, Justicia e Regimiento desta Muy Noble e Muy Leal Ciudad de Sant Francisco del Quito, 1573-1574* (Quito, 1934), minutes of April 10, 1573; *Libro del Ilustre Cabildo, Justicia, e Regimiento desta Muy Noble e Muy Leal Ciudad de Sant Francisco del Quito, 1575-1576* (Quito, 1935), minutes of May 21, 1575; *ibid.*, minutes of April 30, 1576. As a measure of respect for royal authority the council ordered on June 4, 1576, a box to be made and lined with velvet wherein the banner could be stored. *Ibid.*, minutes of June 4, 1576.

¹⁰ José E. A. Calmell, *Historia Taurama del Perú* (Lima, Peru, 1936), pp. 20, 21.

A municipal ordinance of Santiago made it obligatory for all citizens to assist in the construction of the enclosure under a penalty of a fine of 10 pesos, a sum to be divided between the royal and municipal treasuries. *Actas del Cabildo de Santiago*, minutes of July 14, 1582, *loc. cit.*, XX. See also *ibid.*, minutes of July 14, 1587, and July 14, 1589.

An enclosed space was arranged in the square, which was left unpaved; around it were constructed amphitheaters for families and boxes for public officials. A space including a certain number of square yards was reserved for members of the *audiencia* [royal court of justice], for the canons [of the church], members of the council, and other personages; the rest of the space was left for the public. The *ayuntamiento* bore the expense of the refreshments which were ordinarily served to higher officials and their families. . . . Once the officials had taken their seats, every one took his place, and bullfighters entered on horseback. They were generally distinguished persons of the city who displayed the greatest luxury in their dress and trappings. They were introduced to the governor or to the superior official present by the first *alcalde*, or more frequently by the chief constable of the city. . . . After the ceremony of transferring the key of the bullpen, the professional bullfighters and their assistants dashed into the ring and then one or more bulls were admitted according to circumstances. A band of musicians and buglers of the *cabildo* that heralded the kaleidoscopic changes were complementary factors.¹¹

Bullfights were held on other holidays besides the day of the patron saint of the municipality. So wide became the popularity of these taurine exhibitions that fear was entertained from time to time that the Catholic Church might intervene to curb the practice. In 1580 the citizens of Santiago were alarmed lest the Church inveigh against bullfighting as a sin. Their fear was not unfounded, correspondence on that subject having taken place between Pope Gregory XIII and Philip II of Spain. The Pope, however, had consented to refrain from an adverse pronouncement on condition that these spectacles should not take place on days of purely holy festivals.¹²

The ancient Spanish sport of mock warfare was a source of diversion for the colonists of Hispanic America. "In it two parties of men, mounted on the Moorish saddle, with short stirrups that forced them to stand upright and lean back against the high cantle when they galloped-charged, and threw canes at one another. It was a rough sport, and if the cane was not parried or caught in the hands, it gave a severe blow."¹³

The religious festival of Corpus Christi was observed annually with much rejoicing among the citizens of the town. The council issued ordinances regulating the nature of the festivities and provided part of the funds necessary for the expenses of the entertainment. In Buenos Aires it decreed that the governor and members of the council, wearing special robes and carrying lighted tapers or candles, should march in the procession held prior to the religious services in

¹¹ Quoted in Ricardo Levene, *A History of Argentina*, translated and edited by W. S. Robertson (Chapel Hill, 1937), p. 185.

¹² *Actas del Cabildo de Santiago*, minutes of August 31, 1582, *loc. cit.* XX.

¹³ R. B. Cunninghame Graham, *Pedro de Valdivia Conqueror of Chile* (New York and London, 1927), p. 58.

the cathedral. The costs of the costumes and the wax should be taken from the municipal *propios* or revenues.¹⁴ Bullfights and tournaments usually accompanied the celebration. *Danzas*, or a form of dance with masquerade effects, might be offered by members of the trade guilds existing in the city. But the expenditure of funds by the guilds was closely supervised by the council in harmony with its policy of regulating important phases of the economic life of the town. The council of Santiago notified the ruling officers of the tailor guild that their organization might spend as much as fifty pesos for its dances in the forthcoming celebration.¹⁵

Extraordinary festivals might be held from time to time to commemorate European events of unusual import for the American colonists. The abdication or death of a ruler and the accession to the throne of his successor were the cause of much festivity. On March 27, 1558, the city of Santiago received news of Charles V's abdication of the crown of the Holy Roman Empire and of Spain, an event that had occurred almost two years previously. In the communication from Spain were the designation of Philip as ruler of Spain and America and the announcement of his marriage to Mary Tudor of England. The municipal council met in a special session to listen to the reading of the royal dispatch. The missive bearing the seal of the House of Hapsburg was solemnly read by the presiding officer and then handed to the second in rank and he to his immediate subordinate until it had gone the round of the council. Each councillor pressed his lips lightly to the document, raised it above his head in token of obeisance to his sovereign, and then signified on oath that he would acquiesce in the commands registered therein. April 17th of that year was set aside as a day for the festivities in honor of the new monarch.¹⁶ On that day the council, the chief citizens of the municipality, and the standard bearer carrying the royal pennant assembled on the main square for the ceremonial. The secretary of the council read the royal letter in a loud voice to the people. When he had finished, he presented it to the chief officer of the town, who touched it with his lips and held it high over his head. This rite was repeated by each of the prominent citizens in turn. The first act of

¹⁴ *Acuerdos del Extinguido Cabildo de Buenos Aires* (Buenos Aires, 1886-1934), II, minutes of May 29, 1610; *ibid.*, I, minutes of June 6, 1605.

Any councillor who failed to be present in the church for the special religious services in connection with the festival was liable to a fine of 10 pesos. *Actas del Cabildo de Santiago*, minutes of May, 1, 1587, *loc. cit.*, XX.

The municipal treasury being empty, the council of Quito in 1599 requested that each merchant and grocer contribute a silver coin of small value towards defraying the expense of the festival. *Libro del Ilustre Cabildo Justicia e Regimiento desta Muy Noble e Muy Leal Ciudad de Sant Francisco del Quito*, 1597-1603 (Quito, 1936?) minutes of June 2, 1599.

¹⁵ *Actas del Cabildo de Santiago*, minutes of June 12, 1568, *loc. cit.*, XVII.

¹⁶ *Ibid.*, minutes of March 27, 1558.

loyalty having ended, the standard bearer mounted his horse and cried out: "España, Santiago, por el rey Don Felipe, Nuestro Señor [St. James for Spain, all honor to the king Don Philip, Our Lord]." The crowd echoed the words, "España, Santiago." Thereupon midst a fanfare of trumpets the important personages of the city knelt and kissed the hem of the royal banner, the culminating point in their profession of devotion to the sovereign. At the same time the king's justice distributed alms in a generous manner to the poor. The ceremony was brought to a close in the cathedral, where, after the banner had been placed upon the altar to denote the intimate relationship of Crown and Church, the head of the Order of St. Francis delivered a sermon upon the duty of obedience.¹⁷

The municipal scribe has left a vivid account of the fiesta held in the city of Quito in 1599 to celebrate the accession of Philip III to the throne of Spain:

At ten o'clock in the morning [May 27th] the aldermen, citizens, influential landowners, *caballeros*, and many other persons of this city, each on horseback, assembled before the townhall, whence they proceeded to the house of Don Sancho de la Carrera, the standard bearer, and escorted him back to the council hall, where the royal standard was kept. . . . They then rode to the main square, which was appropriately decorated for the forthcoming celebration. Crossing the square, they arrived at a large platform, bedecked with silken hangings and embellished with coats of arms belonging to many royal persons, among which were those of Philip III. Standing on the scaffold were four heralds, the secretary of the council, and the *corregidor* Don Diego de Portugal. As the standard bearer approached the scaffold, one of the heralds bared his head, bowed to the king's representative, and, turning toward the square, shouted in a loud tone of voice: "Silence! Silence! Hear Ye! Hear Ye! Hear Ye!" Thereupon the standard bearer doffed his hat, held out the royal banner in front of his person and cried out: "Castille! Castille! Castille! For the King Our Master, Philip III of this name! May God keep him for many years!" The multitude in the square responded with cries of "Amen, Amen," and blew trumpets, beat kettledrums, and sounded their flageolets. After a repetition of this ceremony several times the bells of the churches and convents of the city pealed forth and from the entrances of the townhall came the sound of musketry. The dignitaries now descended from the platform and, surrounded by the members of the municipal council and the populace, they advanced to the cathedral to offer thanks to the Lord for his great mercy and kindness for having given us another Philip *cristianismo* for King and Lord. At the door of the cathedral stood the dean, the religious chapter, and the prelates of the orders. . . . Having made adoration of the Holy Sacrament, and having said a prayer for the King our Lord, they [the royal

¹⁷ *Ibid.*, minutes of April 17, 1558.

Fitting resolutions were framed by the council upon the decease of Queen Anne. *Ibid.*, XVIII, minutes of November 21, December 1, and December 15, 1581.

The cabildo also celebrated the birth of a prince in the royal family. *Ibid.*, XXI, minutes of May 12, and May 17, 1606.

and municipal officials] departed from the church and, mounting their horses again, they proceeded to the King's Hall, at the windows of which were the president and the members of the royal court of justice. The *corregidor*, the standard bearer, the scribe, and the heralds ascended another platform, erected in an open space, and here the identical ceremonies were repeated, after which they returned by certain gayly decorated streets to the central square and the townhall. From a balcony giving out upon the square the previous ceremony was repeated; finally 2 aldermen, each in a separate balcony, scattered a quantity of *reales* on those below, causing much joy and happiness. . . .¹⁸

When Ferdinand VII was proclaimed king in the nineteenth century the municipality of Buenos Aires and the crown officials united upon measures for the celebration of the events:

The soldiers of the regiment of nobles stationed in Victoria street erected a beautiful arch in front of their barracks. On its facade were two clasped hands and underneath on both fronts verses were written. All the rest of the arch was illuminated: in its interior upon a stage with balconies on the sides were placed the musicians of the regiment who for the space of 6 hours entertained the people with lively sonatas. In the great square the entire facade of the chapter house and that of the barracks of the Miñones regiment, whose commander was a royal ensign, were illuminated by torches and colored vases which formed a pleasing spectacle. Two orchestras successively entertained the people. One of these was placed under the balconies of the *cabildo* hall, while the other was upon a stage constructed for that purpose in the square.¹⁹

The death of Philip II was the cause for an extensive period of mourning in Quito. On receipt of the information on April 21, 1599, many months after the event, the council ordered that its members should publicly wear long black gowns.²⁰ In view of the lack of municipal funds the governor signified a willingness to share personally in the expenses of the ceremonies. On May 18 it was announced that the funeral pile in honor of the late king had been prepared, that the religious services would be observed on the following Thursday and Friday.

The reception of a new governor was considered by the council as an occasion requiring a special celebration. In Santiago in 1583 no expense was spared to honor the newly appointed governor and cap-

¹⁸ *Libro del Ilustre Cabildo Justicia e Regimiento desta Muy Noble e Muy Leal Ciudad de Sant Francisco del Quito, 1597-1603*, minutes of May 27, 1599. See also *ibid.*, minutes of April 21, April 24, May 3, May 7, and May 18, 1599.

¹⁹ F. R. de Udaeta, "Proclamación de Fernando VII en Buenos Aires," *La Revista de Buenos Aires*, XV, 165-166, quoted in Levene, *op. cit.*, pp. 183-184.

²⁰ *Libro del Ilustre Cabildo Justicia e Regimiento desta Muy Noble e Muy Leal Ciudad de Sant Francisco del Quito, 1597-1603*, minutes of April 21, 1599.

Buenos Aires took steps in 1613 to honor the memory of Margaret of Hapsburg, consort of Philip III, "according to the usual procedure to be followed on such occasions." *Acuerdos del Extinguido Cabildo de Buenos Aires*, II, minutes of March 24, 1613. As the *mayordomo's* bill amounted to 330½ pesos, it is probable that the funeral ceremonies were elaborate. *Ibid.*, minutes of July 2, 1613.

tain-general. The council ordered the construction of a triumphal arch of wood and adobe covered with a linen cloth on which were woven the royal arms, the arms of the governor, and those of the city. A horse and saddle were bought by the citizens of the town for presentation to the incoming ruler. Finally, as a further mark of obeisance, the mayor and the *mayordomo* were designated as a committee to ride to a point at some distance from the city to greet him.²¹ Buenos Aires celebrated the arrival of a new governor with bullfights, mock tournaments, masquerades, and a banquet.²²

Although the entertainment during municipal fiestas displays considerable variety, there is little evidence that it included during the Hapsburg period theatrical exhibitions by regular players. Lima, the capital of the viceroyalty of Peru, seems to have been an exception. Here plays were given and ordinances governing the performances were enacted by the council.²³ It is probable that in the lesser towns the lack of secular drama was offset by pageants presented by the Church on religious holidays. In some convents it was known that the inmates found enjoyment in short comedies and interludes. When this practice became widespread in the 17th century complaints were made to Philip IV against it. The King eventually issued a royal command forbidding the performance of secular plays in religious houses in America. The edict declared that "it was contrary to the reverence that should be observed in those sacred places and that from their performance came scandals and offenses to God, all of which set a bad example for the faithful."²⁴

The observance of municipal fiestas, both annual and occasional, provides a pleasant contrast to the political absolutism and economic oppression that characterized the policy of the Hapsburgs in America. They gave expression to the inborn gaiety, the love of pageantry, and the religious emotion of the Andalusians, who comprised a large proportion of the early colonists, and they likewise afforded pleasure and diversion to the natives, who lived under conditions not far from slavery.

²¹ *Actas del Cabildo de Santiago*, minutes of July 19, 1583, *loc cit.*, XIX; *ibid.*, minutes of July 30, August 9, August 23, September 17, October 11, and December 6, 1583, and August 21, 1584.

²² *Acuerdos del Extinguido Cabildo de Buenos Aires*, II, minutes of December 13 and December 22, 1609.

²³ A transcript has been made by the late Bertram Lee, an authority on municipal records, of resolutions adopted by the municipal council of Lima to deal with secular plays presented in this provincial capital. Bertram T. Lee, "De Lima Antigua," *Revista Historica* (Lima), X, 95-106.

²⁴ José Torre Revello, "El Teatro en la Colonia", *Humanidades* (Buenos Aires), XXIII, 145, 146.

JEFFERSON DAVIS'S ROUTE FROM RICHMOND, VIRGINIA, TO
IRWINVILLE, GEORGIA, APRIL 2-MAY 10, 1865¹

NORA MARSHALL DAVIS

Historical Markers Survey of South Carolina

Being notified, by a dispatch from General Lee, April 2, 1865, of the Confederate Army's speedy withdrawal from Petersburg and of the consequent necessity for evacuating Richmond, President Davis quickly assembled the members of his Cabinet (except Attorney General George Davis); and at this meeting plans were perfected for their immediate removal from Richmond.

About midnight of the same day Davis, members of his Cabinet (except General John C. Breckinridge), his personal staff, and the attachés of the several Departments, who took with them the archives of the Government, left Richmond for Danville, Virginia,² and arrived there at 5:00 P. M., April 3. Although the planned occupancy of Danville was to be only temporary, the different Departments opened offices, as Davis wrote Lee, "to keep up the current business until more definite knowledge would enable us to form more permanent plans."³

Immediately after being officially notified on April 10 of Lee's surrender near Appomattox Court House, April 9, Davis held a Cabinet meeting, at which a march to Greensboro was decided upon. The special train left Danville for Greensboro about midnight, April 10,⁴ and reached Greensboro during the afternoon of April 11.⁵

At Davis's request, Generals Johnston and Beauregard met the President and Cabinet in a conference, April 12, at Greensboro, so that Davis could obtain from them information regarding the army under their command and "what it was feasible and advisable to do as a military problem."⁶ Johnston and Beauregard believed the prolongation of hostilities useless; Davis believed that the Confederacy

¹ Condensed from material that will be printed subsequently in pamphlet form; and still further condensed for publication in the *Proceedings*.

² Dunbar Rowland (ed.), *Jefferson Davis, Constitutionalist* (Jackson, Miss., 1923), VII, 354; Frank H. Alfriend, *Life of Jefferson Davis* (Cincinnati, 1868), p. 620; John H. Reagan, *Memoirs* (New York, 1906), p. 198; Mrs. George A. Trenholm, Diary, MS. (in University of South Carolina Library).

³ *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Ser. I, Vol. XLVI, Pt. III, p. 1391. (Hereinafter cited as O. R.)

⁴ Trenholm Diary; Alfred Roman, *The Military Operations of General Beauregard* (New York, 1884), II, 389.

⁵ Trenholm Diary.

⁶ Jefferson Davis, *The Rise and Fall of the Confederate Government* (New York, 1881), II, 679-680.

could swell its force by recalling absentees and by enlisting men not reached by the Conscription Bureau.

At a similar meeting, called for 10 o'clock the following morning, at which Breckinridge was also present, the generals reviewed the state of affairs and concurred in the opinion that the Confederacy was overthrown; only Davis and Benjamin were in favor of continuing the struggle.⁷ Finally Davis yielded to the judgment of his "Constitutional advisers" and permitted Johnston to hold a conference, as he desired, with Sherman. Johnston then returned to his headquarters, April 14, and on that day addressed a letter to Sherman, requesting a conference to attempt negotiations.

As the railroads had been cut by General Stoneman's cavalry at High Point and at Jamestown, south of Greensboro, M. H. Clark made up at Greensboro a full train of ambulances and wagons for the transportation of the President's party and their papers, provisions, and baggage; and Beauregard sent a small cavalry escort of detachments from Ferguson's and Dibrell's brigades of Wheeler's division. With these the President's party left Greensboro for Charlotte, North Carolina, on the afternoon of April 15.⁸

From Greensboro to Charlotte the party made only overnight stops as follows: night of April 15/16, at the home of John Hiatt, about four miles from Jamestown⁹ (Trenholm, who was ill, was taken into Jamestown); night of April 16/17, in a pine grove near Lexington, North Carolina¹⁰ (Trenholm was taken into Lexington); night of 17/18, in Salisbury, North Carolina;¹¹ and night of 18/19, at Concord, North Carolina.¹² Leaving Concord in the forenoon of April 19, Davis and party arrived in Charlotte, North Carolina, during the afternoon of the same day.¹³

General Breckinridge, who had left the party at Lexington to return to Greensboro at Johnston's request, and who, because of the seizure of trains, had experienced some difficulty in reaching Charlotte, arrived there on April 22 with the memorandum agreed upon

⁷ Roman, *op. cit.*, p. 665.

⁸ O. R., Ser. I, Vol. XLIX, Pt. II, p. 446; Trenholm Diary.

⁹ Mrs. R. H. Reagan, West Hartford, Connecticut, to Historical Markers Survey of South Carolina, April 17, 1939. Mrs. Reagan was a daughter of Dr. Shubal G. Coffin, at whose home Trenholm spent the night.

¹⁰ Rowland (ed.), *op. cit.*, IX, 238.

¹¹ Trenholm Diary; A. J. Hanna, *Flight into Oblivion* (Richmond, 1938), p. 44; O. R., Ser. I, Vol. XLVII, Pt. III, p. 810; Stephen R. Mallory, "The Last Days of the Confederate Government," *McClure's Magazine* (New York), XVI, 1901, 246.

¹² O. R., Ser. I, Vol. XLVII, Pt. III, p. 809; marker at the Barringer home, Concord, North Carolina; Dr. Paul B. Barringer, Charlottesville, Virginia, to Historical Markers Survey of South Carolina, April 26, 1939. Dr. Barringer was the possessor of a copy of *Rasselas* autographed by Jefferson Davis and six of his party on this occasion.

¹³ O. R., Ser. I, Vol. XLVII, Pt. III, p. 834; Trenholm Diary.

by Johnston and Sherman, April 18. Davis submitted the terms to his Cabinet that evening, and requested the members to submit in writing at the Cabinet meeting the following morning their opinion, "first upon the acceptance of the terms, second, upon the mode of procedure, if accepted." Consequent to their virtually unanimous concurrence in opinion, Davis notified Johnston, April 24, that his action was approved, and that "further instructions will be given as to the details of the negotiations and the methods of executing the terms of agreement when notified by you of the readiness on the part of the General commanding the U. S. forces to proceed with the arrangements."¹⁴

In the meantime, the terms submitted also to the Federal Government, had been received by General Grant, at Washington, April 21, 1865, and submitted to President Lincoln and Cabinet at a meeting at 8 o'clock that evening. The Federal Government repudiated this agreement, and ordered Sherman to give immediate notice of the termination of the truce and to resume hostilities at once. Soon after the meeting General Grant started for North Carolina to direct operations against Johnston's army,¹⁵ and arrived at Raleigh on the morning of April 24.

Upon his own initiative and despite the fact that his line of retreat through South Carolina had been outlined and supplies collected at six or seven points from Charlotte, North Carolina, to Washington, Georgia, Johnston, after being notified of the termination of the truce, proposed to Sherman, April 23, a meeting for "a modification of the terms offered" and for another armistice to arrange for this meeting.¹⁶ The meeting was held on April 26; and at 10:00 P. M. Grant notified the War Department that Johnston had surrendered to Sherman "on the basis agreed upon between Lee and myself for the Army of Northern Virginia."¹⁷ Immediately after the expiration of the armistice, April 26, Davis left Charlotte, attended by his Cabinet (except Attorney General George Davis, who remained at Charlotte), his personal staff, and the cavalry, numbering about two thousand and representing five brigade organizations—Duke's, Dibrell's, Vaughan's, Ferguson's, and W. C. P. Breckinridge's—all under the command of General John C. Breckinridge.

Davis and part of his Cabinet and staff spent the night of April 26/27 at the home of Colonel A. B. Springs, three and one-half miles north of Fort Mill, on the main road from Charlotte to Fort Mill by way of Pineville; Secretary Trenholm and the remainder of the Cabi-

¹⁴ *O. R.*, Ser. I, Vol. XLVII, Pt. III, p. 834.

¹⁵ *Ibid.*, pp. 285-286.

¹⁶ *Ibid.*, p. 303.

¹⁷ *Ibid.*, p. 312.

net and staff, at the home of Colonel William E. White, in Fort Mill.¹⁸ Here deciding "that he was unable to go on with them or attend to the Duties of his Office," Trenholm resigned on April 27; and a Cabinet meeting was held on Colonel White's lawn to elect his successor—the last Cabinet meeting of the Confederacy.¹⁹ Following this meeting on April 27, "the President and Cabinet proceeded on their journey"²⁰ toward York.

Davis spent the night of April 27/28 in York at the home of Dr. Rufus Bratton, and left there, on the Union Court House road, during the morning of April 28.²¹ The President and a small party crossed Broad River at Pinckneyville Ferry; the cavalry went around by Smith's Ford, where the rear guard of this escort ran into the Twelfth Ohio regiment of General Palmer's and lost ten of its men as prisoners.²²

Davis and his party spent the night of April 28/29 somewhere between York and Union, about 59½ miles from Charlotte and within a few hours' ride of Union.

The President arrived in Union about 11 o'clock in the morning of April 29, and there had his noonday meal at the home of General W. H. Wallace, an officer in the Confederate War and Speaker of the famous "Wallace House," 1876–1878. After leaving the Wallace home in the afternoon, Davis went to the home of Captain J. R. R. Giles, seven miles southwest of Union, and there spent the night of April 29/30.²³

Leaving the Giles home the following morning, Davis reached Martin's Depot, now Goldville,²⁴ Laurens County, some time during the late afternoon of April 30; and he went from there, west or south-

¹⁸ Captain Elliott White Springs, Fort Mill, South Carolina, to Historical Markers Survey of South Carolina, May 8, 1939.

¹⁹ The subsequent meeting at Abbeville was called by Davis and by Duke a "Council of War," and by Reagan "the conference with the commanders of the five brigades." The personnel of this council consisted of the *one Cabinet member who was not then serving as a general and the generals of the five brigades*, who were NOT members of the Cabinet. Mallory, Benjamin, and Reagan were in Abbeville; but as they were not present, this cannot be called a Cabinet meeting to which the generals had been invited.

²⁰ Trenholm Diary.

²¹ Dr. Rufus Bratton, Diary, MS (in the possession of Dr. R. A. Bratton, York, South Carolina); Tench F. Tilghman, Diary, MS (in the possession of Dr. Tench F. Tilghman, Annapolis, Maryland; copy secured through courtesy of Professor A. J. Hanna, Rollins College, Winter Park, Florida). Tilghman was in charge of a part of the wagon train accompanying the Davis party. See also, *O. R.*, Ser. I, Vol. XLIX, Pt. II, p. 570.

²² *O. R.*, Ser. I, Vol. XLIX, Pt. I, pp. 547–548.

²³ Tilghman Diary, entries of April 29 and 30; engraved goblets in Confederate Relic Room, Union, South Carolina.

²⁴ Jack H. Davis, Sr., Clinton, South Carolina, to Historical Markers Survey of South Carolina, March 8, 1941. In an interview, April 7, 1941, Mr. Davis stated that the presidential party came from Cross Keys, where the noonday meal had been secured, across to Sedalia, then to Whitmire, and on to Goldville. See also Hanna, *op. cit.*, p. 59.

west, to the home of Lafayette ("Fate") Young,²⁵ where he spent the night of April 30/May 1, and where he was overtaken by Colonel Leovy,²⁶ who had been sent by Mrs. Davis to meet the President with a letter informing him of her plans.²⁷

The following morning, May 1, at 9 o'clock Davis arrived, by way of Milton, at the home of Captain Griffin Williams, where Colonel Leovy had spent the previous night.²⁸ From here Davis and party went to Cross Hill; and there they stopped to water their horses at John Carter's well.²⁹ The late Major W. A. Watts, of Laurens, said in an interview last July that while they were here, General M. W. Gary urged Davis, because of the long distance to Abbeville, to stop that night at Cokesbury with Gary's mother. Colonel Leovy and Colonel Johnston went ahead to make the arrangements at that place for the President's "reception."³⁰ Davis and Breckinridge were persuaded to go by Cokesbury, the "bridge on other road being down."³¹

Davis crossed the Saluda River at Puckett's Ferry at noon of May 1³² and spent the night of May 1/2 at Cokesbury as guest of Mrs. Thomas Gary, the mother of M. W. Gary. After crossing Puckett's Ferry, Davis passed by Simms's Cross Roads (now Coronaca), then took the road on the right, going toward Greenville for about six miles, and then took the direct left to Cokesbury.³³

The reported nearness of the enemy broke up a planned council of the leading officers at Cokesbury on May 2 and caused Davis and most of his escort to leave Cokesbury early in the morning of May 2 for Abbeville, South Carolina. At 4:30 that afternoon Davis held a meeting of the brigade commanders at the home of Colonel Armistead Burt, at which meeting the following points were agreed upon: that the President should separate himself from the train, command, etc., and with his personal staff and escort press on and try to make his escape, a decision consented to by President Davis "with painful reluctance and with actual physical suffering"; that the generals

²⁵ Jack H. Davis, Sr., *op. cit.*; J. H. Witherspoon, Clinton, South Carolina, to Historical Markers Survey of South Carolina, March 12, 1941; J. W. Young, Tampa, Florida, to *id.*, March 18, 1941.

²⁶ Henry J. Leovy, Diary, MS (in possession of Professor A. J. Hanna, Rollins College). Colonel Leovy arrived in Laurens on the morning of April 30; and that afternoon rode out to Goldville and from there followed Davis, overtaking him at "Fate" Young's.

²⁷ *O. R.*, Ser. I, Vol. XLIX, Pt. II, p. 1269.

²⁸ Mrs. Arrow Sullivan, Laurens, South Carolina, to Historical Markers Survey of South Carolina, February 6, 1941; Jack H. Davis, Sr., to *id.*, March 8, 1941; Leovy Diary.

²⁹ Jack H. Davis, Sr., *op. cit.*; W. A. Watts, Laurens, South Carolina, interview, July, 1940; Mrs. Arrow Sullivan, *op. cit.*

³⁰ Leovy Diary.

³¹ *Ibid.*

³² *Ibid.*; J. H. Witherspoon, *op. cit.*; Colonel J. C. Moore, Florence, South Carolina, to Historical Markers Survey of South Carolina, October 25, 1938.

³³ Moore, *op. cit.*

should start at 11 o'clock that evening, in accordance with General Breckinridge's orders, and push on more rapidly, crossing the Savannah River into Georgia³⁴; that Breckinridge should assume command of such troops from the five brigades as were willing to go with him, and, after crossing the river, he should act as seemed best; that the specie (silver) they were guarding should be paid out to the officers and men present³⁵; and that brigade commanders should be allowed to furlough or discharge any officer or private, upon application, or to accept the resignation of any officer.³⁶ Breckinridge announced that he would assume command of those who remained, and that he would proceed in a direction calculated to divert attention from the movements of the President, who would be escorted by a small body of picked men, under the command of Captain Given Campbell, of St. Louis, to the Trans-Mississippi Department. Therefore, at Abbeville was reached the conclusion to abandon "all hope of effecting any other purpose than Mr. Davis's escape to the West." Two potent contributing causes to this conclusion were the fact that Wade Hampton, who had been charged with the plan of escape, had been delayed in starting and, consequently, had not overtaken Davis's party; and the fact that General Bragg, contrary to orders or to expectation, had from Charlotte to Abbeville formally disbanded troops and had permitted other officers and civilians of rank to withdraw from the column.

In accordance with General Breckinridge's orders, the officers (except Generals Breckinridge and Dibrell and possibly Ferguson) and their troops left Abbeville for Georgia at 11:00 P. M., May 2, and subsequently crossed the Savannah River on a pontoon bridge, near the ruins of old Fort Charlotte. General Dibrell, who brought up the rear, and General Breckinridge, who marched with Dibrell, and possibly Ferguson, did not leave Abbeville until about 2:00 A. M., May 3, and consequently did not cross the Savannah River until later in the morning, some time prior to 9:45 A. M. They went into camp near the river. At Vienna the reorganization agreed upon at Abbeville was effected; and in accordance with that agreement, a command under Duke, Ferguson's brigade, and a small command under W. C. P. Breckinridge "did go forward."³⁷

President Davis and his small escort left Abbeville about 10:00 P. M.,³⁸ and reached Washington, Georgia, May 4, 1865, at 11:00

³⁴ Rowland (ed.), *op. cit.*, VIII, 251; Tilghman Diary, entry of Tuesday, May 2.

³⁵ Rowland (ed.), *op. cit.*, VIII, 251.

³⁶ *Ibid.*, p. 251.

³⁷ *Ibid.*, pp. 189-190.

³⁸ Davis to Burton N. Harrison, "Abbeville, S. C., May 3, 1865—9 P. M.," *O. R.*, Ser. I, Vol. XLIX, Pt. II, p. 1277.

A. M.³⁹ After crossing the Savannah River early in the morning of May 4,⁴⁰ Davis and his party "rode some miles to a farmhouse," where they halted to get breakfast and to have the horses fed, and where Secretary Benjamin parted with the President "to take another mode of conveyance and a different route" from that which the President was pursuing, intending, as Davis says, to rejoin him in the Trans-Mississippi Department. As General Breckinridge had remained with the cavalry near the crossing of the Savannah River, and as Mallory left the party at Washington, Reagan alone, of the Cabinet, now remained with Davis.

The President left Washington, Georgia, in the early afternoon of May 4,⁴¹ with his small escort under the command of Captain Given Campbell, intending to go "to the south far enough," he says, "to pass below the points reported to be occupied by Federal troops, and to turn to the west, cross the Chattahooche, and then go on to meet the forces still supposed to be in the fields in Alabama. If, as now seemed possible, there should be no prospect of a successful resistance east of the Mississippi, I intended then to cross to the Trans-Mississippi Department, where I believed Generals E. K. Smith and Magruder would continue to uphold our cause."⁴²

Davis and party spent the night of May 4/5 between Washington and Warrenton, Georgia, in camp "in a miserable out of the way place—the Prest wishing to be as secluded as possible."⁴³

The night of May 5/6 was spent in camp between Warrenton and Sandersville, Georgia, "one of the worse places to camp we ever had being in a miserable piece of woods very confined and bad water."⁴⁴

On the morning of May 6, being informed that he was "in close proximity to the Yankees," Davis, together with his staff and Reagan, who had overtaken the President near Sandersville, Georgia, May 6, left the wagon train and rode ahead, "having packed some mules with baggage and provisions to last 2 or 3 days."⁴⁵ With his small escort, the President continued his journey, intending first to see his family, whom he had not seen since their departure from Richmond, March 31, and then to prosecute the proposed journey to the West. That Davis was in Sandersville, Georgia, on May 6 is evident from Clark's receipts for \$1,500.00 paid to Colonels Wood, Johnston, Lubbock, and Thorburn at Sandersville on that date.

³⁹ Tilghman Diary, entries of Wednesday, May 3 and Thursday, May 4.

⁴⁰ Davis, *Rise and Fall of the Confederate Government*, II, 694.

⁴¹ Tilghman Diary, entry of Thursday, May 4.

⁴² Davis, *Rise and Fall of the Confederate Government*, II, 693.

⁴³ Tilghman Diary, entry of Thursday, May 4; Hanna, *op. cit.*, p. 89.

⁴⁴ Tilghman Diary, entry of Friday, May 5; Hanna, *op. cit.*, p. 89.

⁴⁵ Tilghman Diary, entry of Saturday, May 6.

Davis overtook his family at midnight of May 6/7, while they were encamped for the night, six miles north of Dublin.⁴⁶ Their route was to the east of his; he had quickly changed his from the southwest to the southeast because of the report that a band of marauders were in pursuit of his family. By riding rapidly, he overtook the family on the night of May 6/7, as just stated, at their camp in the woods six miles north of Dublin. He remained with his family the remainder of that night and rode with them the next day, May 7. Mrs. Davis and party crossed the Oconee River by ferry at Dublin; President Davis and party crossed on a flat-boat three miles below the town and came only to the outskirts of the town, where he joined the others, all leaving together on the Jacksonville road leading south.

At Turkey Creek Bridge, Colonel Harnden, a Federal officer who was seeking the party, learned that he was on the trail of the Davis party; and that, as he was rightly informed, the President had gone on the Telfair road, and had camped the night of May 7/8 about eleven miles west of the main road, in some pine woods between the forks of Alligator Creek.⁴⁷

On the morning of May 8, feeling that danger to his family was over, Davis parted with them after breakfast to pursue, with his own escort, his route to the West. As Mrs. Davis and party passed through the swamps of the forks of Alligator Creek, across the main Alligator Creek, and through the swamps to the ford of Gum Swamp Creek, Pulaski County, on to the Ocmulgee River, they ran into the President at the forks of the road near Ocmulgee River, he and his escort having lost their way. The whole party crossed the Ocmulgee River at Brown's Ferry,⁴⁸ one and one-half miles above Abbeville, Georgia. Mrs. Davis and her party camped near the Ferry, on the western bank of the Ocmulgee River; and President Davis "camped that night [night of May 8/9] with his own escort, at Abbeville, Georgia, personally occupying a deserted house in the outskirts of the village." As they reached that place after dark, and as a heavy rain was falling, only a few people were aware of his presence, and "none of those in the village had an opportunity to identify him"—only the ferryman is said to have recognized him. About midnight Davis sent a courier to warn Mrs. Davis and party that the enemy were at Hawkinsville, about twenty-five miles north of them, and advised them to turn southward. They left camp immediately, at 1:00 A. M.,⁴⁹ and as they passed through Abbeville on the Irwinville road,

⁴⁶ *Macon Telegraph*, quoted in *Columbia Daily Phoenix*, May 22, 1865.

⁴⁷ *O. R.*, Ser. I, Vol. XLIX, Pt. I, pp. 517-519.

⁴⁸ *Ibid.*, pp. 539-541.

⁴⁹ *Ibid.*, p. 347.

Davis, with whom Burton N. Harrison had stopped to talk, told Harrison that he would overtake them after his horses had a longer rest. He did overtake them later; and he was still with them when they halted at 5 o'clock for the night, May 9/10, just after crossing the creek about one and one-half miles north of Irwinville, feeling secure with fifty miles, as they *thought*, between them and the enemy.

At the urgent request of Mrs. Davis and of Harrison, Davis had promised to leave them and their train of wagons to resume his journey as soon as he had eaten. When his horse and those of his escort were saddled preparatory to starting, Johnston, returning from a neighboring village, told Davis he had heard that a marauding party intended to attack the camp that night. This report influenced Davis again to delay his departure sufficiently long to see whether there was any truth in this rumor. With his horse saddled and with his pistols in the holsters, he lay down to rest—fully dressed.

In the early morning of May 10, the Davis party were awakened by the firing between Colonel Pritchard's and Colonel Harnden's troops, who had approached over different routes and had consequently mistaken each other for the armed escort of the Davis party. Colonel Harnden, who really had been the Federal officer on Davis's trail, reported to Colonel Pritchard, at Abbeville, Georgia, on the 9th, his nearness to Davis. Harnden subsequently took the direct route from Abbeville, where he left Pritchard, to Irwinville; and after his departure, Pritchard took the more circuitous route, which turned from the river road southwesterly at Wilcox's Mills, about fifteen miles below Abbeville.⁵⁰ Fearing that the President might escape through the darkness of night, Colonel Harnden, who had arrived about 2 o'clock, awaited near the camp for the light of morning. Pritchard had, in the meantime, reached Irwinville; and, pretending to be in charge of a Confederate command, had learned from the villagers that Davis's camp was about one and one-half miles beyond Irwinville, on the Abbeville road. As Pritchard had been sent to watch at Abbeville, and as he had offered Colonel Harnden a part of his force, leading Colonel Harnden to suppose that he would remain at Abbeville,⁵¹ Harnden was wholly unprepared to find Pritchard at President Davis's camp.

Immediately after this short but sharp encounter between Pritchard's Fourth Michigan Cavalry and Harnden's First Wisconsin Cavalry, in which there were a few casualties on each side, Pritchard and his Fourth Michigan Cavalry captured Davis and his escort and his

⁵⁰ *Ibid.*, pp. 530-531.

⁵¹ *Ibid.*, pp. 517-519.

companions in the early morning of May 10, 1865, near Irwinville, Georgia.⁵²

⁵² *Ibid.*, pp. 530-531. The following were captured: Jefferson Davis, President Confederate States of America; Colonel Johnston, Aide-de-camp, President's Staff; Colonel Lubbock, Aide-de-camp, President's Staff; Colonel B. N. Harrison, private secretary, President's Staff; Major Victor Maurin, Richardson's battalion Light Artillery; Captain George V. Moody, Madison Light Infantry; Lieutenant Hathaway, Fourteenth Kentucky Cavalry; Midshipman Howell, C. S. Navy; Private W. W. Monroe, Fourteenth Kentucky Cavalry; Private J. Messick, Fourteenth Kentucky Cavalry; Private Sanders, Second Kentucky Cavalry; Private Walbert, Second Kentucky Cavalry; Private Baker, Second Kentucky Cavalry; Private Smith, Second Kentucky Cavalry; Private Heath, Second Kentucky Cavalry; Private Elston, Second Kentucky Cavalry; Private J. W. Farley, Second Kentucky Cavalry; Private J. G. Tyler, Fifteenth Mississippi Infantry, Company E; Private J. W. Brady, Fifteenth Mississippi Infantry, Company E. The family of President Davis, captured with him, consisted of Mrs. Davis with four little children, Miss Howell, sister of Mrs. Davis, and two waiting maids. Colonel Thorburn had left with a Negro boy to accomplish as much as possible of his share of the arrangements for the escape of the party from the sea-coast; Colonel John Taylor Wood and Captain Stephen Elliott Barnwell, of South Carolina, made their escape: Wood bribed the guard with a gold piece, and Barnwell dashed up the thicket-covered branch and hid.

POSTAL SAVINGS BANKS IN THE UNITED STATES, 1871-1939

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In this day of such a multiplicity of government services, it is sometimes difficult to realize that the very services which we take for granted are of comparatively recent origin. In the past decade the activities of the federal government have come to cover such divergent fields that an agency so well-established as the postal savings system seems venerable. However, the postal savings system of the United States is only thirty years old, having begun operations in 1911.¹ But back of the thirty years of operation lie forty years of agitation before the Congress of the United States saw fit to pass the bill establishing a postal savings system.

The first official request for post-office depositories came from Postmaster-General John A. J. Creswell in 1871.² Throughout 1880's and 1890's, in nearly every annual report of the Post Office Department, the postmaster-general requested the establishment of a postal savings system. For the first few years of the 20th century agitation on the part of the postmasters-general died down, but beginning in 1907 and continuing each year until the passage of the bill establishing the system (1910), the postmasters-general asked that Congress enact the necessary legislation.

The postmasters-general were not the only ones interested in having the Post Office Department act as a depository for savings. Executive approval was first expressed by President Arthur.³ During the early years of the 20th century Presidents Theodore Roosevelt and Taft both added their support.⁴ As early as 1896, the Populist party had a postal savings plank in its platform; in later campaigns, the idea of postal savings won support not only from the Populist party but also from the National Farmers Alliance and Industrial Union, the Prohibition party, the Republican party, and, in a modified form, the Democratic party.⁵ Many newspapers and many magazines, such as the *Independent* and *Outlook*, advocated the passage of legislation to establish a postal savings system. Hundreds of individuals wrote to Washington asking that such a system be put into operation.

¹ *Report of the Postmaster-General*, 1911, p. 6.

² *Ibid.*, 1871, p. xxxvi.

³ *Congressional Record*, 47th Cong., 1st Sess., p. 27.

⁴ *Ibid.*, 60th Cong., 1st Sess., p. 77; 61st Cong., 1st Sess., p. 4.

⁵ Edward Stanwood, *A History of the Presidency* (Boston, 1928), I, 552; II, 33, 40, 116, 173, 197, 159, 191.

Almost as soon as the postmasters-general began advocating the use of the post offices as depositories for savings, bills to enact the necessary legislation were introduced in Congress. The first such bill was introduced in the House of Representatives on December 18, 1873, by Representative Horace Maynard of Tennessee and was entitled "To establish and maintain a national savings depository as a branch of the Post Office Department."⁶ From that time until the legislation was passed in 1910, bills providing for the establishment of a postal savings system were introduced at nearly every session of Congress.⁷ Many of these bills died before they reached the House or Senate Committee on Post Offices and Post Roads, but practically every bill which did reach the committees received, after minor changes, their recommendation for passage.

Most of these bills cited as one reason for postal savings banks in the United States, the successful operation of such banks in other countries. The first post office savings bank began operation in Great Britain in 1861.⁸ As in the United States, a long period of agitation preceded the establishment of a postal savings system in Great Britain, for as early as 1807 Samuel Whitbread had introduced a bill in the House of Commons advocating the establishment of such a system. So successful were the British postal savings banks that the system was set up in the British Dominions and by 1909 had been copied in France, Japan, Italy, Austria, Sweden, Hungary and practically every other civilized country except Germany and the United States. Germany, however, had an excellent system of municipal banks which served the same purpose as postal savings banks.⁹

The lack of proper banking facilities formed one of the strongest points in favor of a postal savings system in the United States. Savings institutions were concentrated in the New England and Middle Atlantic states to the almost entire neglect of the rest of the country. In all sections of the country, but particularly in the South, the post offices far outnumbered the banks. In 1907, 92 per cent of the savings deposits were in banks in eleven New England, Middle Atlantic and Middle Western States.¹⁰ Each year hundreds of thousands of persons bought money-orders payable to themselves; they were willing to forego interest and pay a small fee in order to have a safe place for their savings. This practice was not confined to any one section although it was more prevalent in those sections having a large

⁶ *Senate Reports*, 55th Cong., 3rd Sess., No. 1504, pp. 47-48.

⁷ For a summary of these bills see *ibid.*, 61st Cong., 2nd Sess., No. 125, pp. 63-66.

⁸ *House Reports*, 61st Cong., 2nd Sess., No. 1445, p. 6.

⁹ *Hearings Before Subcommittee No. 2 of the Committee on Post-Offices and Post-Roads, House of Representatives. Postal Savings Banks.* 60th Cong., 2nd Sess., p. 2.

¹⁰ *Report of the Postmaster-General*, 1907, p. 7.

immigrant population.¹¹ Many immigrants sent money to their home countries to be deposited in postal savings banks there. Thus, the money-order system functioned as a bank.

Inefficient state laws governing banks was another argument advanced by the advocates of postal savings banks. There were absolutely no laws regulating private banks in 30 states and the District of Columbia; of the remaining states only Massachusetts had an adequate banking law.¹² Due to the failure of a large number of banks many people had lost confidence in banks in general and would no longer deposit savings in them. This situation was accentuated during panics, when the number of bank failures increased and money was withdrawn from circulation and hoarded at a time it was most needed. Indeed the currency stringency resulting from the panic of 1907 was one of the main factors which finally led to the establishment of the United States Postal Savings System in 1910.¹³ Those in favor of postal savings said that all people had confidence in the government and that a postal savings system, which was backed by the government's guarantee, would attract money even in times of stress. Postal savings would even be a boon to banks in times of panic because the money deposited in postal savings would be redeposited in commercial banks.

However, it was not only in times of panic that people, especially immigrants, lacked confidence in commercial banks. Thus much money was hoarded which through postal savings banks could be put into circulation. Then, too, the location of banks and the banking hours were inconvenient for working people and the atmosphere was such as to discourage the small depositor. On the other hand post offices were conveniently located, were open early and late; a workingman felt no embarrassment in buying a two-cent stamp, so he would feel no hesitancy in depositing one dollar or even ten cents.

The second main argument of the proponents of postal savings banks was that they offered an opportunity for constructive work. Although the United States was one of the most prosperous countries in the world, with a higher standard of living for the laboring classes than that of any other country, the percentage of the population having savings accounts was among the lowest in the world. This was not due to a lack of prosperity but to a lack of facilities for saving. One of the duties of any government is to encourage thrift among its citizens and a postal savings system would be a means to this end. Postal savings banks would act as an Americanizing influence—a

¹¹ *Ibid.*, 1908, p. 293; 1909, p. 19.

¹² *Senate Documents*, 52nd Cong., 1st Sess., No. 136, p. 2.

¹³ E. W. Kemmerer, "The United States Postal Savings Bank," *Political Science Quarterly* (New York), XXVI, 1911, p. 465.

foreigner with a deposit in a government bank would feel that he had a stake in the government and tend to be a more law-abiding citizen.

During all these years of agitation, the opponents of the measure were by no means inactive. The chief opposition came from the banking interests. They claimed that private banks were adequate, that anyone who really wanted to save had access to a bank. In most sections of the country no clear line was drawn between savings and commercial banks and many of the latter had savings departments. Since postal savings deposits would be exempt from legal processes, the depositories would make excellent "fences" for bankrupts, embezzlers, and thieves and thus be an aid to dishonesty. It was argued that the money would be hoarded in Washington and that the cost of operation would be enormous. The two most telling arguments against postal savings banks were that they would be a step toward government monopolies and that since the United States had no permanent debt the money could not be utilized.

Political differences seemed to account for much of the opposition, especially in Congress. Almost to a man, the Democratic Senators and Representatives voted against the bills which Republicans introduced, saying that such a system would drain the money from rural districts and towns to Wall Street.¹⁴ Many conservative newspapers and magazines such as the *North American Review* opposed postal savings banks, the chief complaint being that the government would be too paternalistic.

After nearly forty years of discussion a bill, having as its purpose the establishment of postal savings depositories, was passed by both the Senate and the House and was approved by the President on June 25, 1910.¹⁵ The act set up a board of trustees consisting of the postmaster-general, the secretary of the treasury, and the attorney-general. This board makes a report to Congress at the beginning of each regular session, the report showing all phases of operation.

The act stated that any person ten years of age, or over, could open an account in his or her own name, and that a married woman could have an account free from interference by her husband; however, no one could have more than one account in his or her own right. After much discussion, the board of trustees decided to use the certificate of deposit system instead of a pass-book; certificates were to be issued as evidence of deposit and surrendered when the money was withdrawn. One dollar, or a multiple thereof, was necessary to open an account or make a deposit; to provide for the saving of smaller sums, postal savings stamps were sold at ten cents each. No person

¹⁴ *House Reports*, 61st Cong., 2nd Sess., No. 1445, p. 1.

¹⁵ *U. S. Statutes at Large*, XXXVI, 1909-1911, pp. 814-819.

was to deposit more than one hundred dollars in any one calendar month; nor could the balance to the credit of any one person exceed five hundred dollars exclusive of accumulated interest. A depositor could withdraw the whole on any part of his account upon demand. Interest, at the rate of two per cent per year on every whole dollar, was to be paid annually.

The funds collected by postal savings depositories were to be re-deposited in solvent banks, subject to either national or state supervision, at a rate of interest not less than two and one-fourth per cent per annum. The banks receiving postal savings funds were required to furnish security in the form of bonds supported by the taxing power. As far as possible, the funds from each locality were to be deposited in banks in that locality, and certainly within the state or territory. However, five per cent of the funds were to be kept by the treasurer of the United States as a reserve fund. At any time the board of trustees could withdraw thirty per cent of the funds deposited in banks to invest in bonds and other securities of the United States.

The act also provided for what later became known as Postal Savings Bonds. Any depositor could exchange all or any part of his savings for bonds in denominations ranging from twenty to five hundred dollars and bearing interest at the rate of two and one-half per cent per annum, interest payable semi-annually, redeemable at the pleasure of the United States one year after date of issue, and payable twenty years after date of issue.

Postal savings funds were kept separate from all other funds; all laws applicable to the safekeeping and accounting of postal receipts, and all laws provided for the protection of public moneys were made applicable to postal savings funds.

To strengthen the constitutionality of the act, the Smoot Amendment was adopted. This amendment provided that "when in the judgment of the President, war or any other exigency involving the credit of the government so requires, the Board of Trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States."¹⁶ Though obviously a subterfuge, this amendment brought the Postal Savings System under the borrowing power granted in the Constitution and thus made it constitutional.

After all the discussion pro and con there seems to have been a dearth of opinion as expressed in magazines, in the interval between the approval of the act and the time when the system began actual operation. Perhaps it was the summer heat or perhaps, after so much

¹⁶ *Congressional Record*, 61st Cong., 2nd Sess., p. 2674.

wrangling, the public was tired of the question. However, the chief point in praise of the act was that the Postal Savings System was expected to bring much hoarded money into circulation.

The system began operations on January 3, 1911. In the beginning only one depository was opened in each of the states and territories—Newberry being the one chosen for South Carolina. Most of the towns chosen were industrial centers, some had large foreign born populations, and many did not have adequate banking facilities. After a four months' trial, the system was extended to other offices of presidential grade. At the close of the fiscal year ending June 30, 1912, after one and one-half years of operation, there were 10,170 depositories, 243,801 depositors and \$20,237,084.00 on deposit.¹⁷ By June 30, 1914, the amount on deposit had more than doubled, and there were nearly half again as many depositors; there were only slightly more depositories than in 1912 and decidedly fewer than in 1913.¹⁸ This decrease in depositories was due to the fact that the system had expanded too rapidly and depositories were discontinued in many small fourth-class post offices.

As was to be expected, the postal savings system at first placed an additional financial burden on the Post Office Department. From January 3, 1911, to June 30, 1913, the system cost slightly less than \$700,000.00.¹⁹ Every year since then, however, the system has made a profit.

During the early years of the Postal Savings System several important changes in administration were made. Due to the difficulty of the three *ex-officio* members meeting together, the Post Office Appropriation Act of March 4, 1911, gave the postmaster-general control in practically everything except investment of funds.²⁰ On May 1, 1913, the Division of Postal Savings was created and assigned to the third assistant postmaster, giving to him the control of all fiscal affairs of the Post Office Department. The third assistant postmaster-general became the secretary of the Board of Trustees and acted as its agent, so that all business of the Postal Savings System was done through his office.²¹

The passage of the Federal Reserve Act in December, 1913, brought about a change in the depository banks. Since this act provided that federal funds could be deposited only in Federal Reserve banks, no more postal savings funds could be deposited in non-member banks. In 1916, an act was passed saying that if no Federal Re-

¹⁷ *House Documents*, 62nd Cong., 3rd Sess., No. 1408, p. 21.

¹⁸ *Ibid.*, 63rd Cong., 3rd Sess., No. 1273, p. 3.

¹⁹ *Ibid.*, 62nd Cong., 2nd Sess., No. 384, p. 5; 62nd Cong., 3rd Sess., No. 1408, p. 70; 63rd Cong., 2nd Sess., No. 359, p. 88.

²⁰ *U. S. Statutes at Large*, XXXVI, 1909-1911, p. 1340.

²¹ *Report of the Postmaster-General*, 1913, p. 302.

serve bank in a locality qualified for the deposit of postal savings funds, that deposits might be made in non-member banks.²²

As soon as the system was in good working order, there was agitation for the removal of the \$500.00 account limit, but during the pre-war period no change was made in the maximum deposit limit.

In order to ascertain the cost to the Post Office Department in transporting the mail of the Postal Savings System, special stamps, at the same rate as the public paid, instead of the franking privilege, were used. Since there was no reason to discriminate against the Postal Savings System, the use of special stamps was abolished and the use of the franking privilege granted in 1914.

During the period of the World War, the Postal Savings System showed a remarkable growth. By June 30, 1918, there were over 600,000 depositors or nearly twice as many as in 1914; the deposits totaled nearly \$150,000,000.00, or more than three times the deposits of 1914. However, there were only about two-thirds as many depositories because many small depositories which were doing no business had been closed.²³ Part of this growth was due to the natural development of the system, but other causes were the publicity given it, the effect of the World War, and the modification of the laws governing the maximum deposit.

The Postal Savings System was kept constantly before the public by means of posters and pamphlets. The pamphlets were printed not only in English but in twenty-four foreign languages so that immigrants unable to speak English were reached. The unsettled conditions in Europe caused many people who had been sending money to their native countries for deposit to place it in the postal savings banks in the United States. Perhaps the chief reason for the growth at this time was the modification of the maximum deposit limit. In 1916 the maximum was increased from \$500.00 to \$1,000.00 with the provision that additional deposits up to \$1,000.00, upon which no interest would be paid, would be accepted for safe-keeping.²⁴ In 1918, the limitation on an individual account was increased to \$2,500.00 with no non-interest bearing deposits accepted.²⁵

During this period a study of the nativity of the depositors was made with most interesting results. From 1915-1918, foreign born persons comprised fifty-nine per cent of the depositors and held seventy-two per cent of the deposits, the average deposit of the foreigner being twice that of the American-born depositor. Moreover the area of greater savings was not perceptibly changed by the establish-

²² *U. S. Statutes at Large*, XXXIX, 1915-1917, p. 159.

²³ *House Documents*, 65th Cong., 3rd Sess., No. 1378, p. 1.

²⁴ *U. S. Statutes at Large*, XXXIX, 1915-1917, p. 159.

²⁵ *Ibid.*, XL, 1917-1919, p. 742.

ment of postal savings depositories; it was the New England, Middle Atlantic and Middle Western states in which the bulk of postal savings deposits were made. One-fourth of the entire deposits in the United States were in post offices included in greater New York. South Carolina was lowest both in the proportion of depositors to population and in the per capita deposit.²⁶

The Postal Savings System was of aid to the government in the floating of war loans, \$25,000,000.00 of postal savings funds being invested in Liberty loan bonds.²⁷

During the period 1919-1930, there were very few changes in the Postal Savings System. Reflecting the depression of the early 1920's, deposits decreased from over \$167,000,000.00 in 1919 to less than \$132,000,000.00 in 1923, but after that, began to climb steadily and reached more than \$175,000,000.00 in 1930.²⁸ In spite of much agitation to remove the limit of \$2,500.00 on an individual's deposit and to increase the two per cent per annum interest payment, no change was secured in either one.

Since the Post Office Department was making such a huge profit from the operation of the Postal Savings System—\$6,428,564.56 in 1924 for example²⁹—serious complaint was raised against the low rate and the unfair payment of interest. Such well-known men as Herbert Hoover, Eugene Meyer, Jr., and Will H. Hays,³⁰ at that time postmaster-general, accused the government of profiteering. No interest was allowed unless the money was left on deposit for a full year; yet the depository banks paid the Postal Savings System interest on the daily average balance of the funds deposited in them. So much was said that in 1924 a new method of paying interest was adopted.³¹ Partly a result, in 1925, the profit to the Post-Office Department from the operation of the Postal Savings System dropped to about one-twelfth of the profit in 1924. By this new method, interest is payable at the rate of one-half of one per cent quarterly, if certificates are surrendered before the year is up.³²

It was during the period from 1931 to 1939 that the Postal Savings System showed unprecedented growth because of distrust of

²⁶ *Senate Reports*, 64th Cong., 1st Sess., No. 65, p. 22; E. W. Kemmerer, "Six Years of Postal Savings in the United States," *American Economic Review* (Evanston), VII, 1917, pp. 50-60.

²⁷ *House Documents*, 65th Cong., 3rd Sess., No. 1378, p. 1; 66th Cong., 2nd Sess., No. 460, p. 1; *Report of the Postmaster-General*, 1918, p. 39.

²⁸ *House Documents*, 66th Cong., 2nd Sess., No. 460, p. 1; 68th Cong., 1st Sess., No. 102, p. 1; *Report of the Postmaster-General*, 1930, p. 47.

²⁹ *House Documents*, 68th Cong., 2nd Sess., No. 464, p. 8.

³⁰ "A Government Savings System," *Nation* (New York), CXII, 1921, p. 329; "Uncle Sam to Coax a Billion from the People's Stockings," *Literary Digest* (New York), LXX, 1921, p. 12.

³¹ *Report of the Postmaster-General*, 1924, p. 104.

³² *Ibid.*, 1924, p. 39.

commercial banks due to bank failures, conservation due to speculation losses and limits on savings accounts set by banks. Even the passing of the Federal Insurance Deposit Act did very little to slow down the growth of deposits in postal savings depositories.

For the fiscal year 1931, deposits reached a total of more than \$347,000,000.00,³³ nearly double that of 1930,³⁴ even though 1930 had shown the largest peace time growth in history up to that time. The deposits of 1932³⁵ were more than twice those of 1931, and increased every year thereafter until an all-time high of \$1,267,626,-801.00³⁶ in certificates alone was reached in 1937. The deposits decreased somewhat in 1938, but increased slightly in 1939.³⁷

Since the two per cent per annum interest rate paid by the Postal Savings System is in many cases equal or greater than that paid by commercial banks in the past few years, the agitation for an increased rate of interest has died down; nor is as much heard about raising the \$2,500.00 deposit limit.

In 1935, the privilege of exchanging postal savings deposits for Postal Savings Bonds bearing interest at two and one-half per cent per annum was discontinued. Every year many depositors—hundreds at first and then thousands—had exchanged deposits for bonds. During the 1920's the popularity of Postal Savings Bonds declined because other government securities offered higher rates of interest. During the early 1930's, the sale of these bonds increased but it was decided to abolish Postal Savings Bonds and to substitute United States Savings Bonds. These United States Savings Bonds were placed on sale through the post offices March 1, 1935. At first they were handled by the Treasury Department but since November 1, 1935, they have been handled by the Postal Savings Department; this change speeded up service considerably.³⁸

In reviewing the history of postal savings banks in the United States from 1871 to 1939, it seems remarkable that they should have come into existence as early as 1910. Certainly in 1910 our government was non-paternal and there can be no denial of the fact that a postal savings system is paternal; no matter how praiseworthy may be the results of postal savings banks, such banks are a step toward government monopolies. Most bankers opposed the establishment of postal savings banks and it is believed that most bankers still oppose them. They argue that postal savings banks are merely a means the government has of borrowing money at two per cent, with no

³³ *Ibid.*, 1931, p. 36.

³⁴ *Ibid.*, 1930, p. 47.

³⁵ *Ibid.*, 1932, p. 33.

³⁶ *Ibid.*, 1937, p. 35.

³⁷ *Ibid.*, 1938, p. 33; 1939, p. 38.

³⁸ *Ibid.*, 1936, pp. 31, 33.

competition, whereas if the government borrowed money in the open market it would have to pay a much higher rate of interest. The opponents contend that postal savings banks carried to their logical conclusion would mean the control of all banks by the government, which would mean the ruin of private enterprise in banking.

On the other hand there can be no denial of the fact that the Postal Savings System has accomplished much good. It has provided a safe place of deposit for money which otherwise, in all probability would have been hoarded and has thus put millions of dollars back into circulation. It has taught the value of thrift to thousands of people. It has aided in the Americanization of immigrants, for the deposit of money in a government bank has given them an additional tie to their adopted country. It has aided in the financing of government loans. All bankers are not opposed to postal savings banks. One important Columbia banker has said that postal savings banks are not in direct competition with commercial banks because the average person who deposits in a postal savings bank is not of the class which deposits in banks and that the money reaches the commercial banks eventually; he thinks that the chief benefit of the Postal Savings System is that it brings money out of hoarding, and the redeposit of this money in banks makes it available for investment.

LEGISLATIVE DOMINATION IN SOUTH CAROLINA

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The general assembly of South Carolina has enormous powers—powers which no legislative body should ever have. Such concentration in one department violates the principle of separation of powers, hamstringing the other departments, impairs the efficient operation of the government, and blocks progress.

The general assembly has always been the dominant factor in South Carolina government.¹ By the very nature of our federal system the lion's share of state power goes automatically to the legislative department. After American Independence (1776) the states had all the power. In the Constitution of 1787 they gave to the federal government all the power which it has, and reserved all others either to the states or to the people of the states.² All of these reserved powers (and they are immense) are vested in the legislative department. Neither the executive nor the judicial departments can do anything without constitutional authorization, but on the other hand the legislature can do anything not forbidden in the state or federal constitutions. This principle holds true in all the states, thus guaranteeing legislative supremacy unless constitutional restrictions are imposed upon this department.

The constitution of South Carolina like the other state constitutions provides the framework, organization, and personnel of the legislative department. It also gives a limited amount of power to the general assembly.³ It is usually assumed that the legislature derives most of its power directly from the constitution. A casual reading of it might lead to this erroneous conclusion. One finds that the general assembly may establish courts inferior to the circuit courts in the counties of the state;⁴ it may divide the state into judicial circuits;⁵ it shall provide for the jurisdiction of the court of probate⁶ and for a change of venue;⁷ it shall have the right to prohibit the manufacture and sale of alcoholic liquors within the state;⁸ it shall provide proper laws for the prevention and punishment of prize fighting;⁹ and it

¹ Works Progress Administration Inventory of the County Archives of South Carolina, No. 1, Abbeville County, 1937, p. 37.

² *Constitution of the United States*, Art. 10.

³ *Constitution of South Carolina*, 1895, Art. III.

⁴ *Ibid.*, Art. V, Sec. 1.

⁵ *Ibid.*, Sec. 13.

⁶ *Ibid.*, Sec. 19.

⁷ *Ibid.*, Art. VI, Sec. 2.

⁸ *Ibid.*, Art. VIII, Sec. 11.

⁹ *Ibid.*

may impose a capitation tax upon domestic animals which are destructive of other property.¹⁰ The constitution contains many other provisions covering all sorts of legislative possibilities, but all such sections are meaningless piffle. Under the powers reserved to the states the general assembly can do all of these things and many others.

Apparently the constitution gives only three specific powers to the general assembly, namely, impeachment,¹¹ participation in amending the constitution,¹² and the election of supreme and circuit court judges.¹³ It is not necessary to discuss impeachment; and it is not possible on sound principles of democratic government to explain the action of the legislature in blocking the biennial session amendments. It is a peculiar brand of well insulated democracy, if it is a democracy at all, which enables a representative legislative body to defeat the expressed will of the people year after year in not providing biennial sessions.

Our constitution provides for the separation of powers among the legislative, executive, and judicial departments.¹⁴ It is, therefore, fundamentally unsound for the general assembly to elect judges since this procedure tends to destroy the independence of the judiciary. However, when the legislature begins regularly to elect its own members to judgeships, without accusing anybody of anything, it is time to stop, look, listen, and perhaps start a political investigation. Out of fifty-three men who have been elected to the supreme and circuit court benches since the adoption of the constitution of 1895, thirty-three have been members of the general assembly and another was a reading clerk in the senate. Six other judges were solicitors—a matter which may or may not have political significance. The tendency for the legislature to elect its own members to judgeships is increasing. At the present time four of the five members of the supreme court were elected from the legislature, and ten of the fourteen circuit judges had legislative connections.¹⁵

In the third place, the general assembly has acquired vast power by taking over duties and functions which properly belong to other departments. The constitution of 1868 provided for a county board of commissioners of three members elected by a popular vote. This board had "jurisdiction over roads, highways, ferries, bridges, and all matters relating to tax disbursements of money for county pur-

¹⁰ *Ibid.*, Art. X, Sec. 1.

¹¹ *Ibid.*, Art. XV.

¹² *Ibid.*, Art. XVI.

¹³ *Ibid.*, Art. V, Secs. 5 and 6.

¹⁴ *Ibid.*, Art. I, Sec. 14.

¹⁵ *House and Senate Journals, 1895-1941; S. C. Supreme Court Reports, 1895-1941, passim.*

poses, and in every other case necessary to the internal improvement and local concerns of the respective counties.”¹⁶ In 1890 this section was repealed, thus abolishing the board of county commissioners and removing the last constitutional guarantee of local self government in county affairs.¹⁷ The county government act of 1894¹⁸ repealed all laws relative to the county board of commissioners and paved the way for an all-out invasion of county authority by the general assembly, or more specifically by the county legislative delegation. This act, with subsequent amendments, transferred the power which belonged to the old board of county commissioners to an elective supervisor and a board of county commissioners appointed by the governor upon the recommendation of the county legislative delegation. This act was the greatest single blow ever struck at responsible local self government in the entire history of the state.

Under our peculiar and unique system—there is nothing else like it in the whole United States—the legislature and the delegation have taken over to a very large extent the control of county government and administration. The process has been slow but unbelievably through and widespread. The meddlesome and grasping hand of the delegation has been thrust into almost every phase of state and local administration with devastating effect and terrific expense. Since there is little uniformity in local government in South Carolina, at least forty-six volumes would be required to tell the whole sordid story of the perverted activities of the county legislative delegation. The material herein presented is not comprehensive but merely illustrative of what has been done and what may be done by a powerful legislative body.

In Georgetown county the board of commissioners is composed of five members appointed by the governor upon the recommendation of the senator and at least one of the representatives. Any member of the board may be removed by the governor upon the recommendation of the senator and one representative.¹⁹

In 1937 an act was passed repealing the Greenville county act of the previous year and setting up an entirely new board of county commissioners. The act specifically provided that the new board should be composed of C. O. Milford, L. H. Stringer, and R. W. Arrington, who were to be appointed by the governor upon the recommendation of the Greenville county legislative delegation. After an extensive enumeration of the powers which the commissioners have, or seem to have, the statute concludes with the frank statement that it shall

¹⁶ Art. IV, Sec. 19.

¹⁷ *S. C. Statutes at Large*, 1890, XX, 649.

¹⁸ *Ibid.*, 1894, XXI, 481.

¹⁹ *Ibid.*, 1933, Act No. 168, pp. 220-221.

be the duty of the said board to carry out the business and financial affairs of Greenville county as directed or provided by the Greenville county delegation.²⁰ Where the board of commissioners may be appointed and removed by the governor upon the recommendation of the legislative delegation, the board is completely at the mercy of the delegation. Under such circumstances it is useless to discuss the power of the board of commissioners for they are purely fictional or non-existent.

Legislative power does not or at least should not extend to the selection of officers outside the department. However, the situation in South Carolina is different and our legislature picks with impunity. The chief game warden,²¹ insurance commissioner,²² warehouse commissioner,²³ state college trustees,²⁴ and the personnel of certain commissions and boards are elected by the general assembly.

Other officers who are appointed by the governor upon the recommendation of the county legislative delegation are state highway commissioners,²⁵ city tax assessors,²⁶ county tax assessors,²⁷ and game wardens.²⁸ The delinquent tax collectors are appointed by the governor upon the recommendation of the legislative delegation in the following counties: Anderson,²⁹ Calhoun,³⁰ Cherokee,³¹ Darlington,³² Edgefield,³³ Florence,³⁴ Georgetown,³⁵ Greenville,³⁶ McCormick,³⁷ Marion,³⁸ Marlboro,³⁹ Pickens,⁴⁰ Spartanburg.⁴¹

The general assembly has also hampered the executive department by interference with law enforcement. The sheriff usually has the power to appoint his deputies; however, in Darlington county the deputies are appointed by the sheriff with the approval of the legislative delegation, and they may be removed in the same manner. The

²⁰ *Ibid.*, 1937, Act No. 375, p. 597.

²¹ *South Carolina Code*, 1932, Sec. 3285.

²² *Ibid.*, Sec. 7938.

²³ *Ibid.*, Sec. 6466.

²⁴ *Ibid.*, Secs. 5713, 5732, 5796.

²⁵ *S. C. Statutes at Large*, 1936, Act No. 831, p. 1558.

²⁶ *South Carolina Code*, 1932, Secs. 2749, 2768.

²⁷ *Ibid.*, Sec. 2757.

²⁸ *Ibid.*, Sec. 3287.

²⁹ *Ibid.*, Sec. 2866.

³⁰ *Ibid.*, Sec. 2867.

³¹ *Ibid.*, Sec. 2868.

³² *Ibid.*, Sec. 2871.

³³ *Ibid.*, Sec. 2872.

³⁴ *Ibid.*, Sec. 2874.

³⁵ *Ibid.*, Sec. 2875.

³⁶ *Ibid.*, Sec. 2876.

³⁷ *Ibid.*, Sec. 2878.

³⁸ *Ibid.*, Sec. 2879.

³⁹ *Ibid.*, Sec. 2880.

⁴⁰ *Ibid.*, Sec. 2881.

⁴¹ *Ibid.*, Sec. 2882.

salaries of the sheriff and his deputies are fixed by the legislative delegation.⁴²

In Oconee county the governor upon the recommendation of the county legislative delegation appoints three men of good habits, not addicted to the use of alcoholic liquors as rural policemen. They serve under the direction of the sheriff who shall make a written report of any misconduct to the legislative delegation.⁴³

In Fairfield county the law provides for a rural police commission composed of the sheriff, ex-officio, who is chairman, and five other members selected from different sections of the county. These five commissioners are appointed by the governor upon the recommendation of the legislative delegation, or a majority of it. It is the duty of the commission to recommend to the governor two men from different sections of the county to serve as rural policemen. The governor appoints them; they serve under the direction of the commission and report each Monday to the sheriff.⁴⁴

A glance at the county supply bills shows delegation activity in, if not control of such matters as: fixing tax rates;⁴⁵ borrowing money;⁴⁶ revising appropriations;⁴⁷ authorizing and directing expenditures;⁴⁸ appointing auditors;⁴⁹ supervising audits⁵⁰ disposing of property for delinquent taxes;⁵¹ disposing of chaingang equipment⁵² constructing roads and purchasing road machinery;⁵³ purchasing office equipment;⁵⁴ selecting patients for State Park;⁵⁵ supervising public works;⁵⁶ appointing health officers;⁵⁷ and filling vacancies in county offices.⁵⁸ This incomplete list indicates that the general assembly is spending entirely too much time on local administration and too little on general laws. If we are going to protect a squirrel, catch a crab, or build a fence on the courthouse lawn the order must be dignified by a legislative act even if it costs a fortune and takes all summer to pass the law. In 1940, 86 per cent of all the laws passed were purely local in their nature.⁵⁹

⁴² *S. C. Statutes at Large*, 1938, Act No. 1096, pp. 2346-2347.

⁴³ *South Carolina Code*, 1932, Sec. 3809.

⁴⁴ *Ibid.*, Sec. 3802.

⁴⁵ *S. C. Statutes at Large*, 1940, Act No. 1199, p. 2467.

⁴⁶ *Ibid.*, Act No. 1038, p. 2091.

⁴⁷ *Ibid.*, Act No. 1035, p. 2077.

⁴⁸ *Ibid.*, Act No. 1046, p. 2115.

⁴⁹ *Ibid.*, Act No. 1035, p. 2078.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, Act No. 1046, p. 2114.

⁵² *Ibid.*

⁵³ *Ibid.*, Act No. 1245, p. 2599.

⁵⁴ *Ibid.*, Act No. 1245, p. 2598.

⁵⁵ *Ibid.*, Act No. 1049, p. 2126.

⁵⁶ *Ibid.*, Act No. 1329, p. 2825.

⁵⁷ *Ibid.*, Act No. 1159, p. 2411.

⁵⁸ *Ibid.*, Act No. 1165, p. 2426.

⁵⁹ *Ibid.*, *passim*.

It is not possible without a good deal of research to trace the evolution of the legislative delegation as an administrative body. The county government act of 1894 made possible the system and in 1915 the supreme court upheld, approved, and blessed it. In that year a law was passed creating a highway commission for Greenville county. The commission was to be appointed and removed by the governor upon the recommendation of the legislative delegation. The constitutionality of the statute was challenged upon the ground that it violated the principle of the separation of powers. The supreme court held there was no such violation and stated that the supervision of public work is not an inherent function of the executive department, and the legislature may have such work done by or through such agencies as it sees fit.⁶⁰

Other supreme court cases upholding administrative activities and meddling by the delegation were: *Spartanburg County v. Miller*,⁶¹ 1924; *Ruff v. Boulware*, 1925;⁶² and *Ward v. Walters*, 1937.⁶³ In the *Walters* case the court held that officers holding offices created by the legislature are subject to the legislative will, since the power that created an office may impose such limitations and conditions upon the manner of filling it, the tenure, and the exercise of the duties as its wisdom may dictate and may modify or abolish any of them or the office itself so long as no constitutional provision is contravened.

Thus the legislative delegation and the legislature were supreme from 1915 to 1937. In the recent case of *Bramlett v. Stringer*, 1938,⁶⁴ the supreme court appears to have called a halt upon the administrative activity of the delegation. It is to be hoped that this is the first step in the restoration of bona fide constitutional government and the establishment of a proper balance of power among the legislative, executive, and judicial departments.

⁶⁰ *Little v. Willimon*, 103 S. C. 50.

⁶¹ 135 S. C. 348.

⁶² 133 S. C. 420.

⁶³ 184 S. C. 353.

⁶⁴ 186 S. C. 134.

CONSTITUTION

I

The name of this organization shall be The South Carolina Historical Association.

II

The objects of the Association shall be to promote historical studies in the State of South Carolina; to bring about a closer relationship among persons living in this State who are interested in history; and to encourage the preservation of historical records.

III

Any person approved by the executive committee may become a member by paying \$2.00 and after the first year may continue a member by paying an annual fee of \$2.00.

IV

The officers shall be a president, a vice-president, and a secretary and treasurer who shall be elected by ballot at each regular annual meeting. A list of nominations shall be presented by the executive committee, but nominations from the floor may be made. The officers shall have the duties and perform the functions customarily attached to their respective offices with such others as may from time to time be prescribed.

V

There shall be an executive committee made up of the officers and of two other members elected by ballot for a term of three years; at the first election, however, one shall be elected for two years. Vacancies shall be filled by election in the same manner at the annual meeting following their occurrence. Until such time they shall be filled by appointment by the president. The duties of the executive committee shall be to fix the date and place of the annual meeting, to attend to the publication of the proceedings of the Association, to prepare a program for the annual meetings, to prepare a list of nominations for the officers of the Association as provided in Article IV, and such other duties as may be from time to time assigned to them by the Association. There shall be such other committees as the president may appoint, or be instructed to appoint, by resolution of the Association.

VI

There shall be an annual meeting of the Association at the time and place appointed by the executive Committee.

VII

The Association shall publish annually its proceedings to be known as *The Proceedings of the South Carolina Historical Association*. It shall contain the constitution, by-laws, and minutes of the annual meeting together with such papers and documents selected by the executive committee as may be published without incurring a deficit. It is understood that all papers read at the annual meeting become the property of the Association except as otherwise may be provided by the executive committee. The executive committee shall annually elect an editor of the *Proceedings*. He shall have authority to appoint an associate editor and shall be a member of the executive committee but without vote.

VIII

This constitution may be amended by a two-thirds vote of the members present at the annual business meeting.

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